

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79327

Chiaki SOTOWA, et al.

Appln. No.: 10/585,205

Group Art Unit: 1745

Confirmation No.: 9588

Examiner: Not Yet Assigned

Filed: May 23, 2007

For: NEGATIVE ELECTRODE MATERIAL FOR LITHIUM BATTERY, AND LITHIUM BATTERY

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a

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foreign patent office in a counterpart application citing such documents (Chinese Office Action date-stamped January 18, 2008 for corresponding Chinese Application No. CN 2004800399143), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

Additionally, Applicant submits English language Abstracts for CN 1032042A and CN 1227004A (Abstract of corresponding EP 0 917 228 A1).

Additionally, in compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant states that U.S. Patent No. 6,403,259 B1 and EP 0 917 228 A1 correspond to CN 1227004A.

Applicant notes that JP 11-176442 listed in the Chinese Office Action was previously filed in the Information Disclosure Statement filed July 3, 2006. Additionally, Applicant notes that JP 2003-168429 listed in the Chinese Office Action was previously filed in the Information Disclosure Statement filed June 5, 2007.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,



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